




SIGNED THIS 11th day of June, 2021

THIS ORDER HAS BEEN ENTERED ON THE DOCKET.  
PLEASE SEE DOCKET FOR ENTRY DATE.

  
Rebecca B. Connelly  
UNITED STATES BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Lynchburg Division**

In re:

SERVICE DOGS BY WARREN  
RETRIEVERS, INC.,

Debtor.

Case No. 20-60860-RBC  
Chapter 7

**ORDER GRANTING THE MOTION (I) AUTHORIZING THE SALE OF THE  
PROPERTY BY PRIVATE SALE FREE AND CLEAR OF ALL LIENS, CLAIMS,  
RIGHTS, AND INTERESTS TO THE BUYERS; (II) AUTHORIZING THE TRUSTEE  
TO SIGN AND DELIVER THE TRUSTEE'S SPECIAL WARRANTY DEED AND SIGN  
OTHER USUAL AND CUSTOMARY DOCUMENTS NECESSARY TO CLOSE THE  
SALE; (III) AUTHORIZING THE TRUSTEE TO MAKE DISTRIBUTIONS;  
AND (V) GRANTING OTHER RELIEF**

These matters came before the Court upon the *Chapter 7 Trustee's Motion for (I) Authority to Sell Property of the Estate at Private Sale Free and Clear of All Liens, Claims, Rights, and Interest; (II) Authority Related to Closing and Distribution of Sale Proceeds; and (III) Related Relief* (the "**Sale Motion**") [Docket No. 103]; and the Court having considered the pleadings, evidence, and/or arguments of counsel; and the Court having jurisdiction to consider the Sale Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and consideration

of the Sale Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. §157(b); and venue being proper before the Court pursuant to 28 U.S.C. §§ 1408 and 1409; and proper notice of the Motion having been provided to all necessary and appropriate parties; and having satisfied the requirements of the relevant sections of the Bankruptcy Code<sup>1</sup>; and the Court having determined that the Notice of Federal Tax Lien filed on October 5, 2020 by the Internal Revenue Service against Charles D. Warren, does not attach to the Property; and for good and sufficient cause shown, it is hereby

**ORDERED, ADJUDGED, and DECREED that:**

1. The Sale Motion is **APPROVED** and **GRANTED** in its entirety.
2. The Contract of Sale is **APPROVED**.
3. The Trustee is authorized to sell the Property located at 1543 Beahm Town Road,

Culpeper, Virginia 22701 and more specifically described as:

ALL that certain tract or parcel of land lying and situate in the former Locust Dale Magisterial District of Madison County, Virginia, near Oak Park, Virginia, on Virginia Route 632, containing 158.516 acres, more or less, more particularly shown and described as "A" on a plat of boundary survey by Milton Terry Estes, L.S., dated June 22, 1994, recorded in Plat Book 19 at page 16.

Being the same property conveyed to Bordeaux Farms, LLC, a Virginia limited liability company, by deed of contribution from Charles D. Warren, Jr., dated November 4, 2011, recorded November 7, 2011, as Instrument No. 110001531, in the Clerk's Office, Circuit Court, County of Madison, Virginia.

at private sale to Robert F. Gilmartin and M. Kathleen Gilmartin for the price of \$1,225,000.00 free and clear of all liens, claims, rights, and interests pursuant to 11 U.S.C. § 363 and Bankruptcy Rule 6004, the closing to occur as soon as reasonably practicable upon entry of this Order with the Liens & Claims attaching to the sale proceeds.

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<sup>1</sup> All capitalized terms not defined herein shall have the meanings ascribed to such terms in the Sale Motion.

4. The Trustee is authorized to exercise the requisite authority related to closing and the distribution of the sale proceeds, including but not limited to the authority to sign and deliver the Trustee's Special Warranty Deed and other usual and customary documents necessary for closing the sale.

5. The Trustee is authorized to make the following distributions from the proceeds of the sale:

- a. An amount to be determined but not to exceed \$60,000.00 to Spotts Fain, P.C. on account of its lien;
- b. \$61,250.00, which is 5% of the Purchase Price, to the Broker;
- c. Usual and customary closing costs; and
- d. To retain the remaining proceeds of the sale for distribution in connection with the Global Resolution pursuant to further order of this Court.

6. Notwithstanding any Bankruptcy Rule to the contrary, this Order shall be immediately effective and enforceable upon its entry, and any applicable stay of this Order is waived in its entirety.

7. This Court shall retain jurisdiction to hear and determine all matters arising from and/or related to the interpretation and/or implementation of this Order.

*\*\*End of Order\*\**

*[REMAINDER OF PAGE INTENTIONALLY BLANK]*

**We ask for this:**

/s/ Robert S. Westermann

Robert S. Westermann (VSB No. 43294)  
Kristen E. Burgers (VSB No. 67997)  
Brittany B. Falabella (VSB No. 80131)  
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*Counsel to the Chapter 7 Trustee*

\_\_\_\_\_:

The United States Trustee's Office Waives Endorsement

W. Joel Charboneau  
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*Office of the United States Trustee*

**Seen and Objected to for the reasons stated on the record at the hearing on June 3<sup>rd</sup>:**

/s/ Andrew M. Williamson (with permission)

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*Counsel for Creditors Kristin Borg,  
Katherine Collaros, John Denning IV, and  
Jeannie Rich*

**Seen and Agreed:**

/s/ Kevin J. Funk (with permission)  
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*Counsel for Marianne Warren and Warren Parties*

**Seen and No Objection:**

/s/ Robert Chappell (with permission)  
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*Counsel for Spotts Fain, PC*